

REMARKS

Claims 3-10, 12-17, 20-22, 25-34, and 37-45 are currently pending in the application. Claims 43, 44, and 45 are new. Support for each of Claims 43, 44, and 45 may be found in Figures 2 and 4, as well as in the Specification at: page 4, lines 11-12, 16-17, and 17-19; page 7, line 11, page 8, lines 15, 16-19; page 10, lines 14-18; page 11, lines 14-17; and page 14, lines 4-6 and 7-9. Claims 1, 2, 11, 18, and 19 have been canceled because the substance of those claims is included in new Claim 43. Claims 23 and 24 have been canceled because the substance of those claims is included in new Claim 44. Claims 35 and 36 have been canceled because the substance of those claims is included in new Claim 45. Claims 3, 4, 9, 15, 20, 21, and 22 have been amended to depend from Claim 43 instead of canceled Claims 1, 2, 18, or 19, and Claim 3 has been amended by changing “selected specific industry” to “selected industry” to reflect the language of Claim 43 from which Claim 3, as amended, now depends. Claim 25 has been amended to depend from new Claim 44 instead of canceled Claim 24 and to reflect the language of Claim 44, from which Claim 25 now depends. Claim 29 has been rewritten as depending from Claim 44 instead of standing on its own as an independent claim. Claims 37, 40, 41, and 42 have been amended to depend from new Claim 45 instead of canceled Claim 35. Claims 4, 8, 10, 15, 16, 27, 40, 41, and 42 have been amended by changing the term “metrics” to “dynamic set of questions,” with the exception that the phrase “next metrics” in Claim 40 has been changed to “next question.” Support for such amendments may be found in the Specification at page 7, line 11. Claims 8, 9, 10, and 39 have been amended to change “business driver” to “business measure” or “business measures.” Support for such amendments may be found in the Specification at page 7, lines 17-18. The word “and” has been added to Claim 22, line 2, to correct an informality. No new matter has been added.

The Claimed Invention

The claimed invention describes an apparatus and method of providing business solutions and services via an interactive communications medium, where such solutions and services are currently devised using consultants, accountants, and sales people. The claimed invention provides a method of providing business solutions over an interactive communications medium, which may be the world wide web portion of the Internet.

(Figure 4) The method includes selectively providing metrics which are associated with a business problem and a specific industry and providing a business solution based on the selective metrics and responses to the selective metrics, which take the form of a dynamic set of questions. (Figure 1; Specification at 7, line 11) The metrics module 104 may include questions requiring a “yes or no” response or a response within a certain range, enabling the use of industry benchmarks to determine whether a given range is acceptable or problematic. Alternatively, the metrics module 104 may solicit a more quantitative response. The dynamic set of questions is preferably provided in a hierarchical tree format. (Figure 3) In addition, the claimed invention provides a method for providing business solutions over an interactive communications medium. The method includes identifying a specific industry and providing at least one business measure associated with a particular financial aspect of the specific industry. (Figure 2) The method further includes providing a set of questions associated with problems of the specific industry, where the set of questions are related to each of the provided at least one business measure. Thus, the user response to the question presented by the metrics module 104 is used either to generate new pertinent questions or to map generic solutions provided by a functionality module 106. A functionality is a generalization as to what a solution may accomplish. A business solution is thus provided based on responses to the set of questions and the specific industry. Furthermore, the claimed invention provides a system for providing business solutions over an interactive communications medium. The system further includes a business solution module which provides business solutions based on responses to the selected questions stored in the business metrics module and the specific industry. Finally, the claimed invention provides a machine

readable medium containing code for instructing a computer to provide business solutions over an interactive communications medium. The code implements the steps of selectively providing metrics which are associated with a business problem and a specific industry and providing a business solution based on the selective metrics and responses to the selective metrics.

Rejection of Claims 1-42 Under 35 U.S.C. § 101

The Examiner rejected Claims 1-42 under 35 U.S.C. § 101 as directed towards nonstatutory subject matter, essentially repeating one of the grounds of rejection stated in the previous office action. Applicants incorporate by reference the response to the previous office action and traverse the rejection under 35 U.S.C. § 101 on the grounds explained in response to the previous office action.

Notwithstanding such traversal, Applicants note that the claims have been amended so that all claims now stand entirely on new, independent Claims 43, 44, and 45, which are not susceptible to rejection under 35 U.S.C. § 101 under the reasons given by the Examiner for rejecting Claims 1-42. That is, the claims clearly require the application of technology.

Independent Claims 1, 18, 23, and 35, however, have been canceled along with some dependent claims, while formerly independent Claim 29 has been rewritten to depend from Claim 44 instead of standing on its own as an independent claim. Because the claims now stand entirely on new, independent Claims 43, 44, and 45, Applicants respectfully submit that there is no basis for rejecting Claims 3-17, 20-22, 25-34, or 37-45 under 35 U.S.C. § 101.

Rejection of Claims 1-42, Under 35 U.S.C. § 102(e)

The Examiner rejected Claims 1-42 under 35 U.S.C. § 102(e) on the basis that the claims are anticipated by the invention disclosed in U.S. Patent Application No. 2001/0032092 to Calver. Applicants respectfully traverse. Unlike the claimed invention, Calver does not provide for questions to be generated based on answers to

previous questions, while the claimed invention does provide such a procedure. (See Claim 43, lines 10-17; Claim 44, lines 12-20; and Claim 45, lines 13-21) Similarly, Calver does not provide for calculation of return on investment based on industry- or business-specific information or resources identified by operation of the procedure disclosed by Calver, whereas the claimed invention does provide such a capability. (See Claim 43, lines 18-20; Claim 44, lines 22-24; and Claim 45, lines 23-25) Applicants thus respectfully submit that there is no basis for finding that Claims 3-17, 20-22, 25-34, or 37-45 are anticipated by Calver.

Rejection of Claims 5-7, 11-14, 20-22, 38-42, 25-28, and 32-33 Under 35 U.S.C. § 103(a)

The Examiner also rejected Claims 5-7, 11-14, 20-22, 38-42, 25-28, and 32-33 under 35 U.S.C. § 103(a) on the basis that the claims are not patentable over Calver in view of U.S. Patent No. 6,591,256 to Friedman. Applicants hereby incorporate by reference the discussion of Friedman from the response to the previous office action. Applicants traverse on the basis that Friedman does not include the features that distinguish the claimed invention from Calver as discussed above in connection with the rejection under 35 U.S.C. § 102(e). As a result, a combination of Friedman and Calver would not result in the claimed invention. For these reasons, Claims 5-7, 11-14, 20-22, 38-42, 25-28, and 32-33 are not obvious over a combination of Calver and Friedman and should therefore be allowed.

Examiner's Response to Applicants' Previous Arguments

Applicants respectfully submit that the Examiner's comments on the Applicants' response to the previous office action do not fairly meet the substance of that response. Applicants hereby incorporate the response to the previous office action by reference as if fully restated herein. Notwithstanding, Applicants submit that the Examiner's arguments are moot in view of the amendments by which the claims now stand entirely on new, independent Claims 43, 44, and 45.

Conclusion

In view of the foregoing, Applicant submits that Claims 3-17, 20-22, 25-34, and 37-45 are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed.

Applicant hereby makes a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Applicants' Deposit Account No. 50-0510 (IBM Corporation).

Respectfully submitted,



Michael E. Whitham
Registration No. 32,635

Whitham, Curtis & Christofferson, P.C.
11491 Sunset Hills Road, Suite 340
Reston, Virginia 20190
Tel. (703) 787-9400
Fax. (703) 787-7557

Please associate this
Application with
Customer No. 30743